
1.5 Special Permit Granting Authorities

The Special Permit Granting Authority for the Town of Grafton shall be allocated as follows:

1.5.1 Planning Board: Except as provided in Section 3.4.3.5, the Planning Board shall have the authority to grant special permits for all uses designated with the symbol "S" on the Use Regulation Schedule in Section 3.2.3.1 of this By-Law. These are the uses for which a special permit is required and for which plans and documents must be submitted in accordance with the requirements of Section 5.1. The Planning Board shall have the authority to issue special permits for major business, office and industrial complexes, for multiple family dwellings, for flexible development, for common driveways, and floodplain developments in accordance with the provisions of Section 4.3 (Major Business, Office and Industrial Complexes), Section 5.2 (Multi-Family Dwellings), Section 5.3 (Flexible Development), Section 5.9 (Common Driveways), Section 6.4 (Flood Plain Developments), Section 7 (Water Supply Protection By-Law) and Section 8 (Traffic Control) of this By-Law.

1.5.1.1 Fees:

- a. Multi-Family Residential Uses. The filing fee for a special permit for multi-family uses shall be \$250 plus \$80/unit with a minimum of \$550. For revisions of the plans, the fee shall be \$100 plus \$20/unit.
- b. Commercial Uses. The base filing fee for a special permit for commercial uses shall be \$250/lot and \$6/parking space.
- c. Industrial Uses. The base filing fee for a special permit for industrial uses shall be \$250/lot and \$6/parking space.
- d. Site Plans. The filing fee for all site plans will be \$100.

In addition to the application fees, and any fees required for reviews beyond the capabilities of the town (as described within this Section), applications shall be accompanied by a fee to cover the costs of the required legal advertisement in the local newspaper for the necessary public hearing. Such cost shall be in accordance with the current *Planning Board Fee Schedule* in effect at the time of submitting the application.

Plans determined to be incomplete and not accepted under Section 1.3.3.5, Plan Acceptance, of this By-Law shall forfeit their fee. A new fee is required with each submittal.

Under the circumstances where a filing fee is payable under this section and a fee is also payable under subdivision regulations, the higher fee shall be payable.

Any required review beyond the capabilities of the town must be paid for by the applicant; including, but not limited to, engineering, professional planning review, inspection of construction and sampling and testing. (T.M. 10-17-94)

1.5.1.2 Associate Member: In accordance with Chapter 40A, Section 9 of the General Laws of the Commonwealth of Massachusetts and its amendments, the Planning Board in conjunction with the Board of Selectmen shall appoint by majority vote a registered voter of the Town to serve as an Associate Member for a term of two years. The Chairman of the Planning Board may designate the associate to sit on the Board for purposes of action on a special permit application in case of absence, inability to act, or conflict of interest of a regular member, or a vacancy on the Board. The associate member may not act on issues other than special permits. (T.M. 5-14-90)

1.5.2 The Planning Board: The Planning Board shall also have the authority to grant special permits for signs in accordance with the provisions of section 4.4 of this By-Law.

1.5.3 The Zoning Board of Appeals: The Zoning Board of Appeals shall have the authority to grant special permits for non-conforming existing uses and their continuance and extension as provided for in Chapter 40A of the General Laws and in Section 1.4.2 of this By-Law.

1.5.4 Appeals: Any person aggrieved by a decision of the Planning Board or the Board of Selectmen or the Zoning Board of Appeals in exercising their powers to grant or deny special permits under this By-Law may appeal such decisions to either the District Court, the Superior Court, or the Land Court, in accordance with section 17 of Chapter 40A of the General Laws.

1.5.5 Conditions for Granting Special Permits: Special Permits may be granted only for uses which are in harmony with the general purpose and intent of this By-Law. The special permit granting authority shall deny an application for a special permit when it determines that a nuisance, hazard, or congestion will be created, or for any other reason there will be substantial harm to the neighborhood or a derogation from the general purpose and the intent of the By-Law, or where the special permit is determined not to be in the public interest, or that the stated district objectives or applicable use criteria will not be satisfied. The special permit granting authority shall make findings on which to base its determination on the specific issues of:

- a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
- b. Off-street parking and loading areas where required, with particular attention to the items in paragraph (a) above, and the economic, noise, glare, or odor effects of the special permit on adjoining properties and properties generally in the district.
- c. Refuse collection or disposal and services areas, with particular reference to items in paragraphs (a) and (b) above.
- d. Screening and buffering with reference to type, dimensions and character.
- e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
- f. Required yards and other open space; and

- g. General compatibility with adjacent properties and other property in the district.
- h. There will not be any significant adverse impact on any public or private water supply.
- i. If the subject site is located within the Water Supply Protection Overlay District, there will not be any significant or cumulative impact upon municipal water supplies, and the Board shall give appropriate consideration to contamination by nitrate-nitrogen loading in making this determination.
(T.M. 10-28-86)
- j. Protect important historic, cultural and scenic landscapes. (TM 10-18-99)

1.5.6 Review and Reports: When acting as Special Permit Granting Authority, the Planning Board, upon the receipt of any application for a special permit and the required plans and documents, shall file one copy with the Town Clerk, one copy each with the Board of Selectmen, the Board of Health, the Conservation Commission, the Inspector of Buildings, the Town Engineer, the Sewer Commission, the Police Department, the Fire Department, the School Department and the Board of Assessors for their review and recommendation. These boards and officers shall submit reports to the Planning Board within thirty-five (35) days of the receipt of the application and supporting documents from the Planning Board. Failure to report shall be deemed to be lack of opposition thereto. The Planning Board shall prepare written findings for any special permit application, whether granted or denied. These findings shall address, at a minimum, the issues listed in Section 1.5.5 above. Additional findings and determinations may be made if deemed appropriate by the Planning Board.

1.5.7 Public Hearing: Any special permit shall be acted upon only after a public hearing which must be held within sixty-five (65) days after the effective date of filing of a special permit application. The effective date of the filing is the date the application is filed with the special permit granting authority, and a copy shall be filed forthwith with the Town Clerk.

1.5.8 Period of Validity: Major Residential Special Permits which authorize the filing of a Definitive Plan shall be valid for a maximum of two (2) years, within which time an application for Definitive Plan, deemed complete pursuant to the Subdivision Regulations, shall be filed in accordance with all applicable regulations. All other special permits shall lapse one (1) year after the date of granting if substantial use, or construction, has not been commenced except in accordance with law. (T.M. 5-11-98)

1.5.9 Permits Granted before Zoning Changes: If a special permit or a building permit is issued before the publication of the first notice of a public hearing of a proposed zoning amendment, but is not then utilized by commencing construction within six (6) months and then proceeding as expeditiously as is reasonable, the building or special permit will lapse and a new permit will be required to conform to the amended By-Law.